ESTTA Tracking number:

ESTTA719643 01/11/2016

Filing date:

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Notice of Opposition

Notice is hereby given that the following party opposes registration of the indicated application.

Opposer Information

Name	Jack Daniel's Properties, Inc.
Granted to Date of previous extension	01/10/2016
Address	4040 Civic Center Drive, Suite 528 San Rafael, CA 94903 UNITED STATES

Christopher C. Larkin Seyfarth Shaw LLP 2029 Century Park East, Suite 3500 Los Angeles, CA 90067-3021
UNITED STATES clarkin@seyfarth.com, kelko@seyfarth.com Phone:(310) 277-7200

Applicant Information

Application No	86560824	Publication date	07/14/2015
Opposition Filing Date	01/11/2016	Opposition Period Ends	01/10/2016
Applicant	Vintage Wine Estates, Inc. 205 Concourse Blvd Santa Rosa, CA 95403 UNITED STATES		

Goods/Services Affected by Opposition

Class 033. First Use: 0 First Use In Commerce: 0
All goods and services in the class are opposed, namely: Wine; hard cider

Grounds for Opposition

Priority and likelihood of confusion	Trademark Act section 2(d)

Marks Cited by Opposer as Basis for Opposition

U.S. Registration No.	1923981	Application Date	09/19/1994
Registration Date	10/03/1995	Foreign Priority Date	NONE
Word Mark	JACK DANIEL'S		
Design Mark			
Description of Mark	NONE		

Goods/Services	Class 022 First user First II	00. 1975/00/00 First I	loo In Commoroo: 1975/00/00	
Goods/Services	Class 033. First use: First Use: 1875/00/00 First Use In Commerce: 1875/00/00 whiskey			
	Willokey			
U.S. Registration No.	1538377	Application Date	09/23/1988	
Registration Date	05/09/1989	Foreign Priority Date	NONE	
Word Mark	GENTLEMAN JACK			
Design Mark				
Description of Mark	NONE			
Goods/Services	Class 033. First use: First Use: 1988/01/28 First Use In Commerce: 1988/01/28 WHISKY			
U.S. Registration No.	2815221	Application Date	04/07/1998	
Registration Date	02/17/2004	Foreign Priority Date	NONE	
Word Mark	JACK	•		
Design Mark				
Description of Mark	NONE			
Goods/Services	Class 033. First use: First Use: 1998/12/31 First Use In Commerce: 1998/12/31 alcoholic beverages, namely whiskey			
U.S. Registration No.	3259938	Application Date	03/28/2003	
Registration Date	07/10/2007	Foreign Priority Date	NONE	
Word Mark	BLACK JACK	•	•	
Design Mark				
Description of Mark	NONE			
Goods/Services	Class 033. First use: First Use: 2004/04/19 First Use In Commerce: 2004/04/19 Alcoholic beverages, namely, pre-mixed alcoholic cocktails			
U.S. Registration No.	4404637	Application Date	09/13/2012	
Registration Date	09/17/2013	Foreign Priority Date	NONE	
Word Mark	WINTER JACK			
Design Mark	WINTER JACK			
Description of Mark	NONE			
Goods/Services	Class 033. First use: First Use: 2012/10/31 First Use In Commerce: 2012/10/31 Alcoholic beverages, namely, pre-mixed alcoholic cocktails			

Attachments	85728354#TMSN.png(bytes) Notice of Opposition.pdf(347460 bytes)

Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/Christopher C. Larkin/
Name	Christopher C. Larkin
Date	01/11/2016

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

In the Matter of Application Serial No. 86/560,824 Published in the Official Gazette of July 14, 2015

JACK DANIEL'S PROPERTIES, INC.,	
Opposer,	
v.	Opposition No.:
VINTAGE WINE ESTATES, INC.,	
Applicant.	

NOTICE OF OPPOSITION

Opposer Jack Daniel's Properties, Inc. ("Opposer") believes that it will be damaged by registration of the mark shown in Application Serial No. 86/560,824 and hereby opposes the same. As grounds for opposition, Opposer alleges as follows:

- 1. Opposer is a Delaware corporation with offices in San Rafael, California.
- 2. Upon information and belief, applicant Vintage Wine Estates, Inc. ("Applicant") is a California corporation with an address of record in Santa Rosa, California.
- 3. On March 11, 2015, Applicant filed Application Serial No. 86/560,824 (the "Opposed Application") to register the claimed mark NASTY JACK on the Principal Register for goods identified as "Wine; hard cider," on the basis of Applicant's alleged intention to use the mark in commerce.
- 4. From a time long prior to the filing date of the Opposed Application, or any earlier date of actual use of the mark shown in the Opposed Application upon which Applicant can rely, and continuously to the present, Opposer and its predecessors-in-interest have used the world-famous mark JACK DANIEL'S in connection with whiskey, prepared alcoholic cocktails,

liqueurs, and other goods and services. From a time prior to the filing date of the Opposed Application, or any earlier date of actual use of the mark shown in the Opposed Application upon which Applicant can rely, and continuously to the present, Opposer and its predecessors-in-interests have also used a variety of JACK-formative marks in connection with distilled spirits, prepared alcoholic cocktails, and liqueurs, including, among others, JACK, GENTLEMAN JACK, BLACK JACK, and WINTER JACK.

- 5. Opposer owns United States Trademark Registration No. 1,923,981 for JACK DANIEL'S for whiskey, United States Trademark Registration No. 1,538,377 for GENTLEMAN JACK for whisky, United States Trademark Registration No. 2,815,221 for JACK for alcoholic beverages, namely, whiskey, United States Trademark Registration No. 3,259,938 for BLACK JACK for alcoholic beverages, namely, pre-mixed alcoholic cocktails, and United States Trademark Registration No. 4,404,637 for WINTER JACK for alcoholic beverages, namely, pre-mixed alcoholic cocktails. These registrations are valid and subsisting, and all but Registration No. 4,404,637 are incontestable. Copies of pages from the TSDR electronic database of the Patent and Trademark Office showing the current status and title of all of these registrations are attached hereto as Exhibit 1.
- 6. The goods identified in the Opposed Application are alcoholic beverages that are closely related to, and are sold in the same channels of trade and to the same classes of customers as, the goods identified in Opposer's pleaded registrations. Purchasers of the goods identified in the Opposed Application sold under the mark NASTY JACK are likely to believe that they originate with, or are licensed, authorized, or sponsored by, Opposer.

FIRST CLAIM FOR RELIEF (Likelihood of Confusion With Registered Trademarks)

7. Opposer repeats and realleges the allegations in preceding paragraphs 1-6 as if fully set forth herein.

- 8. The mark shown in the Opposed Application so resembles Opposer's registered trademarks as to be likely, when used on or in connection with the goods identified in the Opposed Application, to cause confusion, to cause mistake, or to deceive, and Applicant's mark is thus unregistrable under § 2(d) of the United States Trademark Act, 15 U.S.C. § 1052(d).
- 9. Opposer will be damaged by registration of the mark shown in the Opposed Application because such registration will give Applicant prima facie evidence of ownership of and the exclusive right to use a mark that is confusingly similar to Opposer's registered marks, in derogation of Opposer's rights in its registered marks.

SECOND CLAIM FOR RELIEF (Likelihood of Confusion with Previously-Used Trademarks)

- 10. Opposer repeats and realleges the allegations in preceding paragraphs 1-6 as if fully set forth herein.
- 11. The mark shown in the Opposed Application so resembles the JACK DANIEL'S and various JACK-formative marks previously used by Opposer and its predecessors-in-interest in the United States, and not abandoned, as to be likely, when used on or in connection with the goods identified in the Opposed Application, to cause confusion, to cause mistake, or to deceive, and Applicant's mark is thus unregistrable under § 2(d) of the United States Trademark Act, 15 U.S.C. § 1052(d).
- 12. Opposer will be damaged by registration of the mark shown in the Opposed Application because such registration will give Applicant prima facie evidence of ownership of and the exclusive right to use a mark that is confusingly similar to Opposer's previously-used and not-abandoned marks, in derogation of Opposer's rights in its marks.

WHEREFORE, opposer Jack Daniel's Properties, Inc. prays for judgment sustaining this opposition and refusing registration to the mark shown in the Opposed Application.

Please charge the filing fees for this opposition to Deposit Account No. 50-2291 and direct all correspondence and communication in this opposition to the undersigned.

Respectfully submitted,

SEYFARTH SHAW LLP

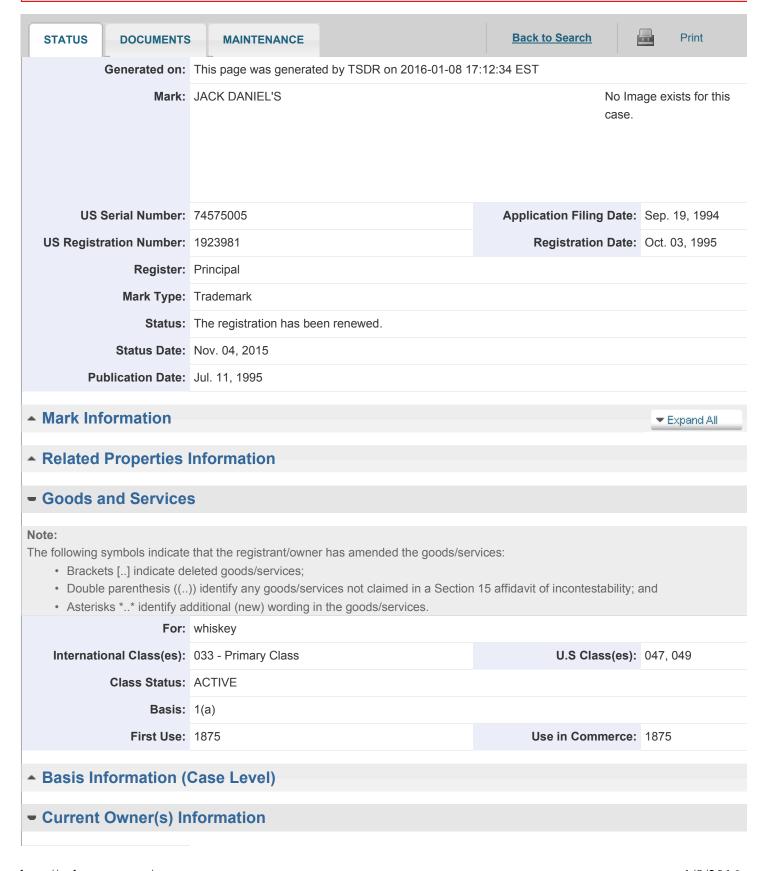
Dated: January 11, 2016 By: s/ Christopher C. Larkin

Christopher C. Larkin
Attorneys for Opposer
JACK DANIEL'S PROPERTIES, INC.

2029 Century Park East, Suite 3500 Los Angeles, CA 90067-3021 Telephone: (310) 277-7200

Facsimile: (310) 201-5219





▲ Proceedings - Click to Load

Owner Name: JACK DANIEL'S PROPERTIES, INC.

Owner Address: 4040 CIVIC CENTER DRIVE, STE 528
SAN RAFAEL, CALIFORNIA UNITED STATES 94903

Legal Entity Type: CORPORATION State or Country Where Organized:

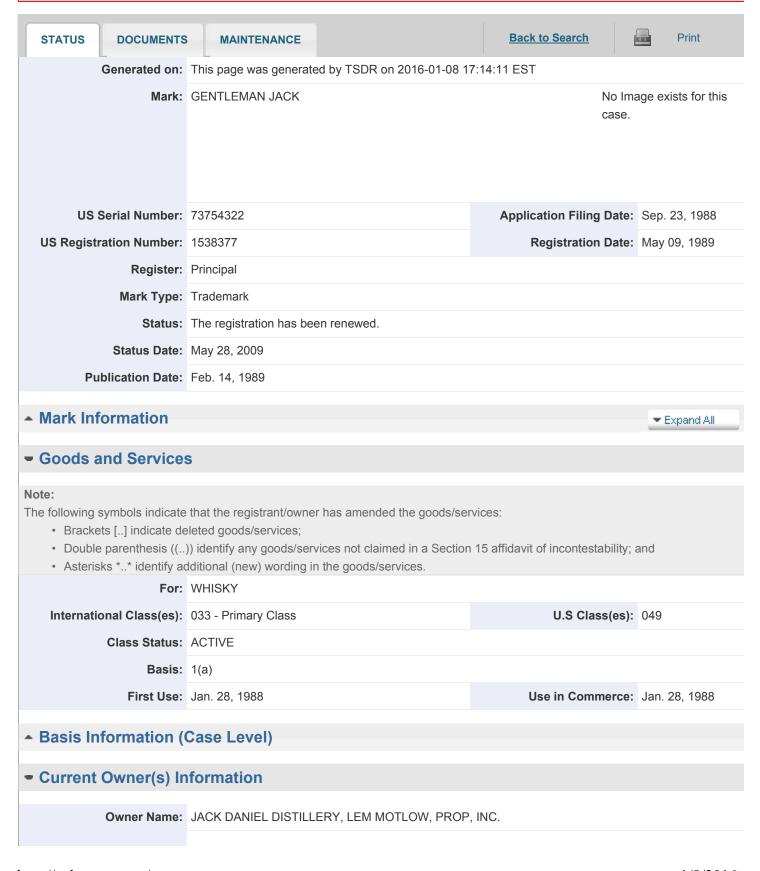
Attorney/Correspondence Information

Prosecution History

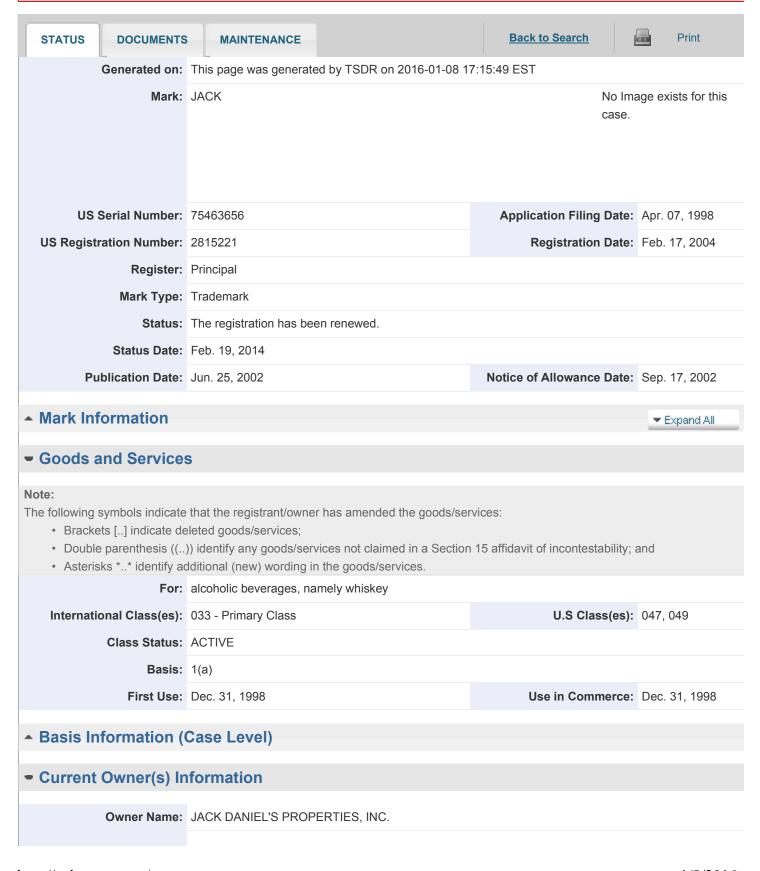
Maintenance Filings or Post Registration Information

TM Staff and Location Information

Assignment Abstract Of Title Information - Click to Load



Owner Address:	Owner Address: LYNCHBURG, TENNESSEE UNITED STATES 37352		
Legal Entity Type:	CORPORATION	State or Country Where Organized:	
▲ Attorney/Correspon	ndence Information		
▲ Prosecution History	у		
▲ Maintenance Filings or Post Registration Information			
▲ TM Staff and Location Information			
▲ Assignment Abstract Of Title Information - Click to Load			
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Owner Address: 4040 CIVIC CENTER DRIVE, SUITE 528

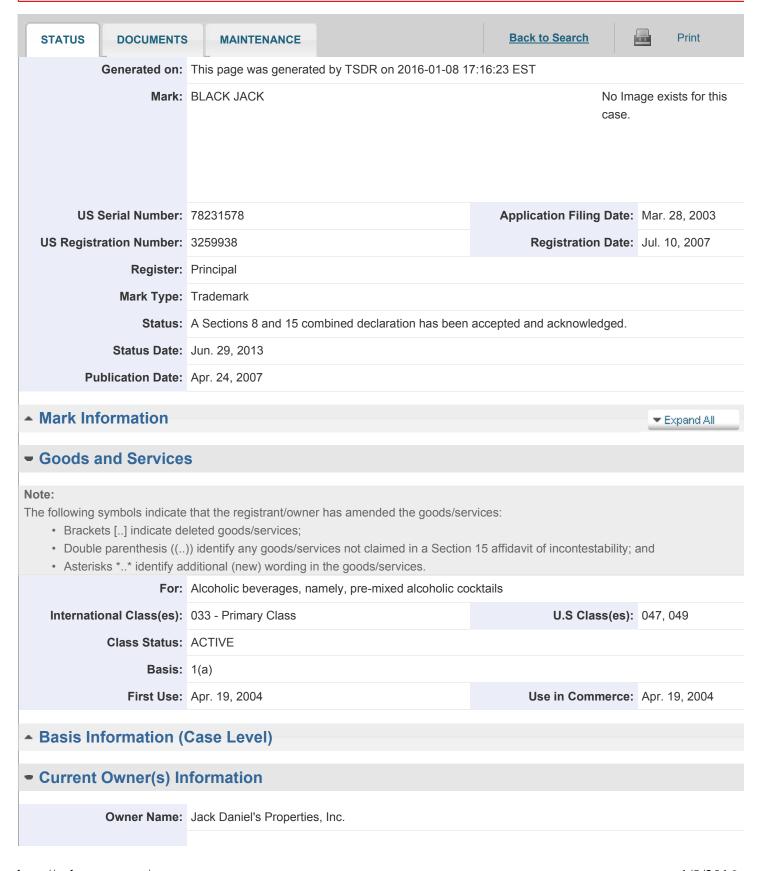
SAN RAFAEL, CALIFORNIA UNITED STATES 94903

Legal Entity Type:CORPORATIONState or Country WhereDELAWARE

Organized:

▲ Attorney/Correspondence Information

- Prosecution History
- **▲** Maintenance Filings or Post Registration Information
- **► TM Staff and Location Information**
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1/8/2016

Owner Address: 4040 Civic Center Drive, Suite 528

San Rafael, CALIFORNIA UNITED STATES 94903

Legal Entity Type:CORPORATIONState or Country WhereDELAWARE

Organized:

Attorney/Correspondence Information

- Prosecution History
- **▲** Maintenance Filings or Post Registration Information
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Back to Search STATUS DOCUMENTS MAINTENANCE 墨 Print Generated on: This page was generated by TSDR on 2016-01-08 17:16:56 EST Mark: WINTER JACK WINTER JACK US Serial Number: 85728354 Application Filing Date: Sep. 13, 2012 **US Registration Number:** 4404637 Registration Date: Sep. 17, 2013 Filed as TEAS Plus: Yes Currently TEAS Plus: Yes Register: Principal Mark Type: Trademark Status: Registered. The registration date is used to determine when post-registration maintenance documents as Status Date: Sep. 17, 2013 Publication Date: Nov. 27, 2012 Notice of Allowance Date: Jan. 22, 2013 Mark Information Expand All Goods and Services Note: The following symbols indicate that the registrant/owner has amended the goods/services: • Brackets [..] indicate deleted goods/services; · Double parenthesis ((..)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and Asterisks *..* identify additional (new) wording in the goods/services. For: Alcoholic beverages, namely, pre-mixed alcoholic cocktails International Class(es): 033 - Primary Class U.S Class(es): 047, 049 Class Status: ACTIVE Basis: 1(a) First Use: Oct. 31, 2012 Use in Commerce: Oct. 31, 2012 Basis Information (Case Level) Current Owner(s) Information Owner Name: Jack Daniel's Properties, Inc. Owner Address: 4040 Civic Center Drive. Suite 528 San Rafael, CALIFORNIA UNITED STATES 94903

Legal Entity Type: CORPORATION	State or Country Where DELAWARE Organized:
▲ Attorney/Correspondence Information	
▲ Prosecution History	
▲ TM Staff and Location Information	
▲ Assignment Abstract Of Title Information - Click to Load	
▲ Proceedings - Click to Load	

CERTIFICATE OF SERVICE

I hereby certify that on January 11, 2016, I served the foregoing Notice of Opposition on the applicant by mailing a copy thereof by First Class Mail, postage prepaid, addressed to applicant's counsel of record at applicant's counsel's correspondence address of record in the records of the Patent and Trademark Office as follows:

Angie Gregory, Esq. 2416 E. 37th Street North Wichita, KS 67219-3538

s/ Eleanor Elko Eleanor Elko